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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 KYLE CHRISTENSON,

12 Plaintiff,

13 v.

14 HENRY RICHARDS,

15 Defendant.
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Case No. C08-5328RBL

ORDER DENYING MOTION TO
APPOINT COUNSEL

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18 The Court, having reviewed Plaintiff's request for appointment of counsel, (Dkt. #22), the
19 pleadings filed in support and in opposition thereto, and the balance of the record, does hereby find and
20 ORDER:

21 (1) There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
22 Although the court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in*
23 *forma pauperis*, the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d
24 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe,
25 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the
26 likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of
27 the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

28 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Plaintiff has not

1 showed the court that he attempted to privately retain an attorney, other than to say that he did not have
2 monies to pay for an attorney. The court notes that civil rights cases typically provide attorneys fees for
3 successful cases, which would provide attorneys to consider these types of cases on a contingent basis.
4 Moreover, and possibly most significantly, it appears that this case does not involve exceptional
5 circumstances which warrant appointment of counsel.

6 Accordingly, Plaintiff's Motion to Appoint Counsel is **DENIED**.

7 DATED this 22nd day of October, 2008.

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9 /s/ J. Kelley Arnold

10 J. Kelley Arnold

11 United States Magistrate Judge
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